

REMARKS

Claims 30-60 remain in this application. Claims 1-14 and 24-29 have been cancelled without prejudice. Claims 30-60 have been added. The added claims are supported by the specification and no new matter has been added. It is believed that the new claims overcome the rejections of the parent application and are allowable over the cited art. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks, which discuss the rejections made in the parent application in the context of the new claims.

In the Specification

A paragraph has been added to the specification. The support for the paragraph is found in the original abstract. No new matter has been added.

In the Abstract

The Examiner has suggested improvements to the language and format of the abstract (thank you). A replacement paragraph has been submitted based on these suggestions. The support for the replacement paragraph is found in, at least, claim 1 as originally filed. No new matter has been added.

Withdrawal of Generic Claims Is Improper

The Examiner has withdrawn generic claims 1 and 4-9 from consideration, and has not examined these claims. The Applicants respectfully submit that this is improper.

Under 37 CFR Section 1.141, an allowed generic claim may link a reasonable number of species embraced thereby (see e.g., 37 CFR Section 1.141(a) and MPEP 809.02). Also, the linking claims must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn (see e.g., MPEP 809).

Accordingly, the Applicants respectfully request that generic claims be examined along with the elected species claims. Currently, independent claims 30 and 35 are believed to be generic.

35 U.S.C. §102(b) Rejection - Long

The Examiner has rejected claims 2-3, 10-14 and 24-29 under 35 U.S.C. §102(b) as being anticipated over U.S. Patent No. 5,702,491 issued to Long et al. (hereinafter referred to as “Long”). These claims have been cancelled. The Applicant respectfully submits that the new claims are allowable over Long.

Claim 35 recites an apparatus comprising “*a first compartment including a first hydrogen generator; and a second compartment coupled with the first compartment, the second compartment including a second hydrogen generator*”. Long does not teach or suggest this claimed apparatus.

As understood by Applicants, Long discusses a thermally insulated container, such as a dewar, to contain the primary chemical hydride 14. This is discussed in Long at column 3, row 63, through column 4, line 3:

“FIG. 1 shows a hydrogen generator 10 embodying the invention. Hydrogen generator 10 includes a thermally isolated container 12, such as a vacuum insulated, multiple wall dewar similar to a cryogenic dewar, containing a primary chemical hydride 14, preferably a metal hydride, such as, for example, lithium aluminum hydride (LiAlH₄).

Primary chemical hydride 14 undergoes both hydrolysis and thermal decomposition reactions to generate hydrogen (H₂).

As understood by Applicants, the primary chemical hydride is contained in a single inner vessel. This is discussed in the SUMMARY OF THE INVENTION of Long at column 2, rows 25-30:

“In preferred embodiments of the invention, the container comprises a dewar having an outer shell and an inner vessel defining an evacuated space therebetween, and having an insulating material positioned in the evacuated space, wherein the first chemical hydride is placed within the inner vessel.”

As understood by Applicants, a single inner vessel to contain the primary chemical hydride is also used in Figs. 3-4. As discussed in Long at column 8, rows 49-60:

“As shown in FIGS. 3 and 4, container 12 comprises a thermally isolated dewar having an outer shell 24 and an inner vessel 26 which combine to define a vacuum space 27 therebetween. ... The generation of hydrogen by hydrogen generator 10 primarily occurs in inner vessel 26 of container 12, wherein the primary chemical hydride 14 (preferably LiAlH₄) is contained.”

Accordingly, as understood by Applicants, Long does not teach or suggest an apparatus comprising “a first compartment including a first hydrogen generator; and a second compartment coupled with the first compartment, the second compartment including a second hydrogen generator”.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. “For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention

must be identically shown in a single reference.” In Re Bond, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

For at least these reasons, **claim 35** is believed to be allowable over Long. **Claims 36-57** depend from claim 35 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Independent claims 30 and 58 are believed to be allowable for reasons similar to those discussed above for claim 35. **Dependent claims 31-34 and 59-60** depend from either claim 30 or 58, and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

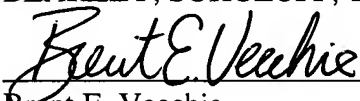
Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Date: FEB. 6, 2004

Respectfully submitted,
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